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LEGISLATIVE SERVICES

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



## ENROLLED

SENATE BILL NO. 152

(By Senator WOOTEN, ET AL)



PASSED MARCH 10, 1999

In Effect NINETY DAYS FROM Passage

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SENATE OF WEST VIRGINIA

## ENROLLED

### Senate Bill No. 152

(BY SENATORS WOOTON, BALL, DITTMAR, FANNING, KESSLER,  
McCABE, MITCHELL, OLIVERIO, ROSS AND SNYDER)

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[Passed March 10, 1999; in effect ninety days from passage.]

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AN ACT to amend article one, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten, relating to requiring state agencies to supply certain information to the Legislature regarding federally mandated statutory changes; information required; and penalty.

*Be it enacted by the Legislature of West Virginia:*

That article one, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten, to read as follows:

#### ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

##### **§5A-1-10. Required information regarding federally mandated changes in state law; penalty.**

- 1 (a) Notwithstanding any provision of this code to the
- 2 contrary, any agency of this state seeking a change in state
- 3 law based upon a purported need to be in compliance with

4 federal law shall, prior to the fifteenth day of the legisla-  
5 tive session in which the statutory change or changes are  
6 sought, provide in writing to the president of the Senate  
7 and speaker of the House of Delegates a written request  
8 for the statutory changes.

9 (b) The request referred to in subsection (a) of this  
10 section shall include or be accompanied by:

11 (1) A complete statement of any federal moneys which  
12 would be lost by failure to comply along with documenta-  
13 tion supporting the amount set forth;

14 (2) A copy of the specific federal law requiring said  
15 change;

16 (3) A copy of the specific provision of the code of federal  
17 regulations or federal register mandating the change in  
18 state law;

19 (4) Where possible, correspondence from the federal  
20 agency charged with enforcing or approving state compli-  
21 ance with such federal law or regulation setting forth the  
22 necessary changes;

23 (5) A statement of any exemptions or exceptions avail-  
24 able which would allow the state to not comply with the  
25 federal law;

26 (6) A detailed fiscal note; and

27 (7) Where compliance with the requirement in subsection  
28 (a) of this section that the documents and request be  
29 provided is not met, a written explanation setting forth the  
30 reasons for the failure to comply.

31 (c) Willful failure to comply with the provisions of this  
32 section shall constitute grounds for disciplinary action by  
33 the head of the agency involved for the person or persons  
34 charged as part of his or her employment with compliance  
35 with this section.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Ray Schooner*

Chairman Senate Committee

*Joe F. Smith*

Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

*Harold Thomas*

Clerk of the Senate

*Harry M. Boy*

Clerk of the House of Delegates

*Earl Ray Tomblin*

President of the Senate

*John A. ...*

Speaker House of Delegates

The within *disapproved* this the *24th*

Day of *March*, 1999

*Jeff Anderson*

Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/99

Time 11:02 am